

Message Text

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ORIGIN EB-07

INFO OCT-01 NEA-10 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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CAB - MR. MURPHY

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FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, IR

SUBJECT: CIVAIR - PAN AM SUMMER SCHEDULE

REF: TEHRAN 2441

1. DEPT IS VERY CONCERNED ABOUT ILL-CONSIDERED AND POLITICALLY AWKWARD WAY GOI HAS OBJECTED TO PAN AM CAPACITY INCREASES FOR SUMMER SEASON. DEPTOFF HAS TALKED TO IRAN EMBASSY ABOUT RECENT GOI ACTION VIS-A-VIS PAN AM AND EXPRESSED U.S. SURPRISE AT THIS UNTIMELY AND APPARENTLY UNWARRANTED ACTION. HE NOTED THAT US AGENCIES WERE IN THE PROCESS OF WORKING OUT EXTREMELY COMPLEX ADMINISTRATIVE PROCEDURES IN ORDER TO EXTEND THE INTERIM ACCORD ON DISCOUNT FARES WHICH EXPIRES APRIL 1. THE REJECTION BY GOI OF PAN AM SCHEDULES VIOLATES THE LETTER AND SPIRIT OF THE BILATERAL AGREEMENT AND WILL MOST CERTAINLY DOOM OUR EFFORTS TO AVERT CRISIS IN US-IRAN CIVIL AVIATION RELATIONS.

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DEPTOFF ASKED FOR CLARIFICATION OF IRAN'S POSITION NOTING

THAT CAPACITY PROCEDURES AGREED TO BY BOTH GOVERNMENTS IN MOU OF FEBRUARY 1973 AUTHORIZED PAA SCHEDULES TO GO INTO EFFECT FOR SIX MONTHS PENDING FURTHER CONSULTATIONS BETWEEN TWO GOVERNMENTS. HE ALSO POINTED OUT THAT INASMUCH AS PAN AM'S SCHEDULE WAS FILED WITH THE IRANIAN AUTHORITIES ON FEBRUARY 11, THE IRANIAN OBJECTION WAS NOT IN COMPLIANCE

WITH 15-DAY DEADLINE PRESCRIBED IN THE MOU.

2. EMBASSY IS REQUESTED ORALLY TO EXPRESS US DISPLEASURE WITH IRANIAN ACTION VIS-A-VIS PAN AM AT HIGHEST APPROPRIATE LEVELS OF GOI ALONG LINES PARA 1 ABOVE AND, IN ADDITION, TO DELIVER FOLLOWING DIPLOMATIC NOTE TO MFA AS SOON AS POSSIBLE:

"... AND REFERS TO THE MINISTRY OF FOREIGN AFFAIRS NOTE 15953/18 DATED MARCH 4, 1976. THE EMBASSY OF THE UNITED STATES HEREBY INFORMS THE GOVERNMENT OF IRAN THAT ITS OBJECTION TO PAN AMERICAN'S PROPOSED CAPACITY INCREASES WAS NOT IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN THE APPENDIX TO THE AGREEMENT ON AIR TRANSPORT SERVICES OF FEBRUARY 1, 1973. THESE PROCEDURES PROVIDE THAT '(B) IN ANY CASE WHERE IT APPEARS TO THE OTHER PARTY THAT A PROPOSED NEW SCHEDULE INVOLVING AN INCREASE IN CAPACITY WOULD BE INCONSISTENT WITH THE CAPACITY PROVISIONS OF THE AGREEMENT THAT PARTY, WITHIN FIFTEEN DAYS OF THE RECEIPT OF THE FILING, MAY INFORM THE OTHER OF ITS OBJECTIONS AND MAY REQUEST CONSULTATIONS TO CONSIDER THE MATTER.'

"THE EMBASSY OF THE UNITED STATES, IN ACCORDANCE WITH THE ABOVE PROCEDURES, FILED PAN AMERICAN'S PROPOSED SUMMER SCHEDULE WITH THE APPROPRIATE IRANIAN AUTHORITIES ON FEBRUARY 11. THEREFORE, THE IRANIAN GOVERNMENT HAD UNTIL FEBRUARY 26 TO OBJECT. SINCE THE GOVERNMENT OF THE UNITED STATES DID NOT RECEIVE AN OBJECTION TO PAN AMERICAN'S PROPOSED SCHEDULE BY THAT DATE, IT ASSUMED THAT THE IRANIAN GOVERNMENT HAD WAIVED ITS RIGHT TO OBJECT TO THE SCHEDULES.

"IN ADDITION, THE EMBASSY OF THE UNITED STATES HEREBY LIMITED OFFICIAL USE

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REMINDS THE IRANIAN GOVERNMENT THAT EVEN IF ITS OBJECTION TO PAN AMERICAN'S SCHEDULE INCREASES HAD BEEN RECEIVED WITHIN THE PRESCRIBED PERIOD, UNDER THE ABOVE-MENTIONED CAPACITY PROCEDURES, NEITHER PARTY CAN UNILATERALLY PREVENT THE PROPOSED SCHEDULE CHANGES OF THE OTHER COUNTRY'S CARRIER FROM BEING IMPLEMENTED. IF THE TWO GOVERNMENTS DO NOT AGREE, THEN THE PROPOSED INCREASES WILL BE PERMITTED TO GO INTO EFFECT FOR A SIX-MONTH PERIOD FROM THE

DATE ON WHICH THE PROPOSED SCHEDULE CHANGES ARE EFFECTIVE.
UNDER THESE CIRCUMSTANCES, THE EMBASSY OF THE UNITED
STATES EXPECTS THE GOVERNMENT OF IRAN TO ACT IN ACCORDANCE
WITH THE AGREEMENT BETWEEN THE TWO COUNTRIES AND THAT THE
PAN AMERICAN SUMMER SCHEDULE WILL GO INTO EFFECT ON
APRIL 1, 1976.

"FINALLY, THE EMBASSY OF THE UNITED STATES INFORMS THE
IRANIAN GOVERNMENT THAT IT IS THE GOVERNMENT OF THE

UNITED STATES VIEW THAT PAN AMERICAN'S PROPOSED CAPACITY
INCREASES ARE COMPLETELY CONSISTENT WITH THE GROWTH OF THE
AIR TRANSPORTATION MARKET BETWEEN THE UNITED STATES AND
IRAN AND THE CAPACITY CONTEMPLATED IN THE AGREEMENT ON
AIR TRANSPORT SERVICES BETWEEN THE UNITED STATES AND IRAN.

"THEREFORE, THE EMBASSY OF THE UNITED STATES BELIEVES IT
WOULD BE ADVISABLE FOR THE IRANIAN GOVERNMENT TO WITHDRAW
ITS OBJECTION TO PAN AMERICAN'S PROPOSED SCHEDULE
INCREASES."

3. THE DEPARTMENT ALSO INTENDS TO OBJECT TO IRAN AIR'S
PROPOSED SCHEDULE INCREASES BEFORE MARCH 22 IN ACCORDANCE
WITH THE CAPACITY PROCEDURES. DEPARTMENT WILL INFORM POST
IN SEPTEL WHEN TO SUBMIT NOTE OF OBJECTION TO MFA.
DEPT OBJECTION WILL BE PURELY TACTICAL AND WILL BE MADE
ONLY IF GOI REFUSES TO WITHDRAW ITS OBJECTION TO PAN AM'S
SCHEDULE. KISSINGER

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